

Minutes
Catawba County Board of Commissioners
Regular Session, Monday, August 21, 2006, 6:00 p.m.

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Hickory City Schools

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The Catawba County Board of Commissioners met in regular session on Monday, August 21, 2006 at 6:00 p.m. in the 1924 Courthouse, Robert E. Hibbitts Meeting Room, 30 North College Avenue, Newton, North Carolina.

Present were Chair Katherine W. Barnes, Vice-Chair Dan Hunsucker and Commissioners Glenn E. Barger, Lynn M. Lail and Barbara G. Beatty.

Also present were County Manager J. Thomas Lundy, Assistant County Manager Joellen Daley, Assistant County Manager Lee Worsley, Interim County Attorney Debra Bechtel, Attorney Anne Marie Pease and County Clerk Barbara Morris.

1. Chair Katherine W. Barnes opened the Revaluation Information Meeting at 6:00 p.m.

Randy Moose, Tax Administrator/Assessor, Joel Alexander, Assistant Assessor, Bill Little, Revaluation Coordinator and Mark Logan, Senior Appraiser presented an informational powerpoint on the 2007 Catawba County Real Property Revaluation. The revaluation is mandated by State Law and the Board of Commissioners adopted a four year revaluation cycle after the 1999 revaluation. The revaluation process includes data collection and then a review of neighborhood delineation, zoning and analysis of all land sales. Through this process a schedule of values is formulated for both residential and commercial property. A Present Use Value Schedule is also formulated for agricultural land, horticulture land and forestry land. The proposed timeline for the 2007 revaluations was as follows:

Tuesday, September 5, 2006 – formal presentation of the 2007 Schedule of Values, Stands, and Rules to the Board of Commissioners by the Assessor.

Monday, September 18, 2006 – Board of Commissioners conduct a Public Hearing on the Schedule of Values.

Monday, October 2, 2006 – Vote on formal adoption of the Schedule of Values by Board.

Thursday, November 2, 2006 – last day for taxpayer to appeal adoption of the Schedule of Values to the NC Property Tax Commission

Mid-November 2006 – Mailing of new valuation notice to property owners

Late November through December 2006 – Informal hearings before staff appraisers by property owners.

January 1, 2007 – new values in effect for 2007 tax bills mailed in July.

April, May and June, 2007: Board of Equalization and Review hearings.

Commissioner Lail stated she thought it was important to make clear to Catawba County citizens that they had the right to go to the Equalization and Review Board after the bills were received. Chair Barnes clarified that the public hearing for September 18, 2006 is on the Catawba County specific schedule of values and the appeal deadline of November 2, 2006 is for taxpayers to appeal to the State regarding the schedule of values.

Chair Barnes recessed the Revaluation Informational Meeting at 6:40 and stated the Regular Board meeting would start at 7:00 p.m.

2. Chair Barnes called the Regular Board of Commissioners Meeting to order at 7:00 p.m.
3. Commissioner Barbara Beatty led the Pledge of Allegiance to the Flag.
4. Chair Barnes offered the invocation.
5. Vice-Chair Dan Hunsucker made a motion to approve the minutes from the Regular Meeting of July 17, 2006, the Closed Session of July 17, 2006 and the Special Joint Session with Newton City Council of July 21, 2006. The motion carried unanimously.
6. Recognition of Special Guests: Chair Barnes welcomed all those present and said it was good to see so many citizens attending the meeting.
7. Comments for Items not on the Agenda. None.
8. Presentations:
Chair Barnes stated that before the formal recognition of retiring Deputies Linda B. Church and Henry Lee Johnson, the Board was required to declare their side arms and badges surplus pursuant the North Carolina General Statutes. Commissioner Glenn Barger made a motion to declare these items surplus. The motion

carried unanimously. Chair Barnes then joined Sheriff L. David Huffman and Deputy Sheriff Coy Reid at the podium to present retiring Deputies Linda B. Church and Henry Lee Johnson with their service arms and badges. Deputy Church had served Catawba County for 32 years and Deputy Johnson served 26 years and were congratulated and thanked for this dedicated service.

9. Public Hearings:

Jacky Eubanks, Planning Director, came forward to present the public hearing for the proposed Unified Development Ordinance. Chair Barnes said she wanted to lead off this presentation with how the ordinance came about. The Board reviewed all the documents for zoning and planning and found they were not well organized. Additionally, there were things that were coming about which really didn't fit the existing ordinances. The Board looked at the processes that other areas had used as they reviewed their ordinances and felt that it was appropriate for the Board to ask Catawba County's communities to join in the planning. With that idea, the small area planning process was started in 1999 and the Sherrills Ford area was the first small area plan. The Board was very pleased to see how in depth people wanted to discuss land use and the impact they could see on the future. The Board knew since this ordinance had not been visited since 1988 that anything which was done within the adoption for land use was probably an ordinance that would stay intact for another 10 years – not to say it could not be amended. There had been a lot of public input moving forward and there has been a lot of vision on the part of all the Commissioners about the need to have in place a plan for the next 20 years. The Board is trying to truly work with all the public to find the right balance so there can be a sustainable community so Catawba County's citizens' children and grandchildren have a wonderful place to live, play and work. Chair Barnes stated the Board did not plan on taking any action at this meeting and was working its way through this process and it was present to listen to the public hearing process. Chair Barnes stated there were two public hearings that had been advertised - one for this date and one for September 18, 2006 at 7:00 p.m. and there would also be a regular meeting on Tuesday, September 5, 2006 and while that wasn't a scheduled public hearing, there would be a public comment opportunity and people could speak regarding the ordinance at that time also. She said it was purely on what the Board heard from the public and how the Board worked through and played out scenarios that the Board would make its decision. She said she believed a lot of the phone calls received by the Board members were due to some misinformation and they have tried to work through these issues and asked Jacky Eubanks to address some of that misinformation in his presentation.

Jacky said there would be two presentations/public hearings – the first would deal with the actual text of the proposed ordinance and the second would be the presentation of the zoning maps. At the conclusion of his presentation and the Board's comments, the public would then make their comments.

Jacky explained the reason for zoning and the proposed UDO. In order to maintain a high quality of life, it is important for the County to have land use regulations that balance individual desires with the desires of community residents and businesses. The existing ordinances that are being used to govern the County are in need of updating to reflect current trends. (The Subdivision Ordinance was last comprehensively updated in 1988, and the Zoning Ordinance was last comprehensively updated in 1990. Typically ordinances are updated every 10 to 15 years.) The UDO consolidates updated regulations related to subdivisions, zoning, manufactured home parks, junk cars and development standards into one user-friendly document. The UDO is the "tool box" of regulations, which enable the SAP goals and visions to be implemented.

In the mid 1990s, the County developed a new long-range comprehensive plan known as VisionQuest 2010. The plan was adopted by the Board of Commissioners in 1996 and served as the basis for future land-use decisions, such as rezoning requests, transportation needs, etc.

After VisionQuest 2010, the County developed a Strategic Growth Plan to address growth-related issues in the County. This plan was accepted by the Board of Commissioners in March 1999. One of 16 major strategies in the plan was to prepare small area plans for the County specific to 7 areas.

The County began the process of obtaining input on how the County should grow and develop through the small area planning process. The County was divided into 7 small area districts. Small Area Plan committee members, comprised of citizens living in the area, were appointed by the Board of Commissioners beginning in 1999. Committees included over 70 citizens with a broad range of experience, interests and background such as:

- a. Construction/development

- b. Real estate
- c. Agriculture
- d. Professional, and
- e. Municipal planners and managers

The committees developed specific recommendations for future growth and development of the County based on input from community meetings attended by over 500 citizens. Notification of these meetings included newspaper articles, web site notices, cable and radio announcements and hundreds of flyers posted in the community, including copies in church newsletters. Copies of the draft plans were in the County's libraries for review prior to public hearings. Those who attended the first community meeting received personal letters inviting them to the second public meeting to review the draft plan and to attend future public hearings. The Planning Board and Board of Commissioners' public hearings were advertised with four- ¼ page ads run in two local newspapers.

The Small Area Plan committees met monthly, for each of the 7 small areas, ranging from 14 months to over 3 years. Key issues identified by the public during the public meetings included:

- a. Preservation of rural character
- b. Higher development standards
- c. Enhanced visual corridors and entryways
- d. Stricter code enforcement program
- e. Open space preservation
- f. Density ranging from low to moderate based on available infrastructure

Upon acceptance of the small area plans by the Board of Commissioners, the next step was the implementation of the plan recommendations through the re-write of the County's zoning, subdivision and other land development codes in the form of a Unified Development Ordinance (UDO). The UDO provides higher development standards such as sidewalks, interior landscape islands, updated sign regulations, density bonuses, building design criteria for certain districts and village centers, etc.

In the fall of 2003, the County entered into a contract with Freilich, Leitner, and Carlisle to prepare a draft Unified Development Ordinance (UDO) to be assisted by the planning staff and a Board appointed steering committee. Phase I of the project involved the preparation of a reconnaissance report which included over 220 interest statements from interviews conducted with stakeholders and citizens throughout the community in order to frame key issues and concerns surrounding land use matters.

The 10 stakeholder groups included:

- a. Catawba Valley Homebuilders Association
- b. Bar Association
- c. Board of Realtors
- d. Farm Bureau
- e. Chamber of Commerce
- f. Professionals in development including engineering and architects
- g. Duke Power
- h. Catawba County Historical Association
- i. Municipal government planners
- j. Habitat for Humanity

The reconnaissance report was submitted to the Planning Board and the Board of Commissioners in the spring of 2004. Phase II of the project involved the drafting of 8 articles to be included in the UDO and revisions to a procedures manual. The major drafting of the UDO was completed in May 2006. The draft document became available for public view on May 25, when it was posted on the County's web site and hard copies were placed in the local libraries.

A UDO steering committee was appointed by the BOC to assist the planning staff and the consultant in drafting the UDO. The Steering Committee recommended adoption of the UDO on May 23, subject to minor revisions and technical corrections. Committee members represented the following interest groups:

- a. Construction/development
- b. Real estate

- c. Agriculture
- d. Municipal
- e. Other professionals.

The following people were members:

Ed Nolley
Ed Neill
Anne Barrier
Jeff Kerley
Vance Dalton, Jr.
D. Paul Beatty
Paul Fleetwood
J.V. Huffman, Jr.
Trent Cloninger
Donna Cullum
Darrin Reid
Al King
Phillip M. Hayes
David Stewart

A series of public presentations of the draft UDO were conducted between June 1st and July 25th:

- a. Joint meetings (2 meetings) of the 7 SAP committees divided into east and west groupings
- b. Bar Association
- c. Surveyors Association
- d. Mobile Home Park Owners
- e. Mobile Home Park Dealers and State Association (NCMHA)
- f. Chamber of Commerce Land Use Committee (5 meetings)
- g. Chamber of Commerce Board of Directors
- h. Catawba County Homebuilders Association (held jointly with Chamber Board)
- i. Catawba Valley Association of Realtors (held jointly with Chamber Board)
- j. Chamber of Commerce SE Chapter Business After Hours meeting
- k. Churches within the County's jurisdiction
- l. Planning Board workshops (2 meetings)
- m. Public Forums (2 meetings) east and west
- n. Catawba Valley Landlords Association (meeting will be held on 9/12/06)

In addition to the public presentations the following public outreach and notification activities were conducted:

- a. A series of articles were published in the 4 area newspapers
- b. A television spot
- c. ¼ page newspaper ads (8 consecutive weeks in each of 3 local newspapers)
- d. Standard legal ads (10 – 25 days prior to the public hearings) (2 advertisements)
- e. Posting of rezoning signs at key entryways to the County (12 signs)
- f. Posting of UDO on the County web site with facts and questions brochure
- g. Placement of hard copies of the draft UDO in 8 area libraries including large scale zoning maps
- h. First class mailings to approximately 41,000 property owners notifying them of proposed rezoning actions, along with a question and answer insert and small scale map of the proposed zoning changes
- i. Drop-by sessions for questions and answers (4 sessions including day and evening hours to be held August 1 through August 7)
- j. Planning Board public hearing (1 meeting was held on August 7)
- k. Board of Commissioners public hearings (spread over 2 meetings to be held August 21 and September 18)

The following are highlights of key issues raised during the series of recently held public meetings:

Issues incorporated in the UDO (latest draft)

- a. Open space dedication for conventional and cluster subdivisions including credits and density bonuses
- b. Allow standing seam roofs on manufactured homes in addition to shingle roofs

- c. ATMs and drive through windows will be allowed in the MUC-O

Issues to be incorporated in the UDO (not in draft)

a. Switchout of singlewides – The UDO steering committee and PB recommended allowing switchouts for all existing singlewides without requiring the owner prove “extenuating or hardship” circumstances.

b. Hotels and motels allowed as a permitted use in the MUC-O consistent with RC, HC and O-I permitted uses.

c. Businesses that are operating in a zoning district where that business is not permitted – non-permitted businesses would be allowed a 2-year period to come into conformance from the date of notification of violation and proof of business operations as of 1/1/06. (It is recommended that this requirement be embodied in an adopted BOC policy statement rather than as part of the UDO regulations. Conformance with the regulations mean that the business be able to comply with home occupation and/or cottage business regulations or to relocate the business in a commercial area.)

d. Sidewalks – If sidewalks are added to the development as part of the requirement or optional to the developer on a voluntary basis, a 2 for 1 credit relating to open space requirements is granted. (For example for every 1 square foot of sidewalk construction, 2 square feet of open space are credited.)

e. Campgrounds – The area requirement and the setbacks for the campgrounds allowed in the residential districts would be 5 acres with a 100-foot perimeter setback. A special use permit from the BOA would be required when campgrounds are in residential districts. The area and setback requirements match the requirements for campgrounds allowed in the commercial districts as a permitted use. The minimum space allowed for each tent cabin or vehicle space, in the residential and commercial districts, would be reduced from 3000 square feet to 1500 square feet with an additional 1500 square feet of space to be dedicated for active or passive recreation.

f. Marinas – Allow retail sale of boats and campgrounds as permitted accessory uses. Where campgrounds are planned as part of a marina in a residential or commercial operation, a minimum of 7 acres is required.

g. School capacity – After much discussion with developers, business owners and other citizens, it is staff’s recommendation that the school capacity restrictions be lifted in accordance with the recommendations or the small area plans as reflected on the official UDO zoning map.

h. Subdivisions connecting to County utilities:

1. Subdivisions up to 100 lots connecting to utilities:

New subdivisions up to 100 lots, which connect to utilities, have the option to apply for a planned development/conditional zoning in order to gain extra density than the UDO zoning map allows. (3. a – b) The County and the developer would agree to negotiate amenities such as those depicted below. (4. a – g)

2. Subdivisions at or above 101 lots connecting to utilities:

New subdivisions at or above 101 lots, which connect to utilities, are required to apply for a planned development/conditional zoning. The higher density as stipulated below (3. a – b) is granted to the developer where amenities are negotiated with the County as depicted below. (4. a – g)

3. Densities.

- (a) 2 units per acre for water line availability and/or
- (b) 3 units per acre for sewer availability or a combination of both utilities.

4. Amenities.

- (a) Open space above the minimum required in the UDO;
- (b) Trails and bicycle paths;
- (c) Conservation easements;
- (d) Road improvements above DOT minimum requirements;
- (e) Active and passive recreation and parks facilities;
- (f) Landscaping and buffering above the minimum standards required in the UDO; or
- (g) Traffic improvements, internal and external, to school sites, or other school improvements if impact fees or an adequate public facilities ordinance is not adopted.
- (i) Big box construction criteria:
 1. New construction equal to or exceeding 75,000 gross square feet of single plate ground floor as a stand-alone retail structure;
 2. A vacated building plan and an adaptive reuse plan should be incorporated as part of the original project approval; and
 3. Facades lengths greater than 100 feet must be articulated with recesses or projections, which total at least 25% of the facade length.

Issues where changes are not recommended

- a. Approximately 50% of the land area in the County has been designated on the UDO zoning map for 2-acre minimum lots, as recommended in the SAPs. Reducing or eliminating the acreage earmarked for 2 acre minimum lot size requirement is not recommended except under the following situations.
 1. Planned development containing multi-family; (in draft UDO)
 2. Village centers; (in draft UDO)
 3. Conditional zoning/development agreements; (in draft UDO)
 4. Density bonuses in standard subdivisions, cluster subdivisions, planned developments and village centers in exchange for additional open space; (in draft UDO) and
 5. Subdivisions connecting to County utilities (proposed under h 1-4 above).
- b. Transfer of development rights (TDR). At this point it is unclear if Counties have the legal authority to implement TDRs. The same objective can be accomplished through the use of development agreements attached to conditional zoning.
- c. Allowing singlewides throughout the County to help with affordable housing. One third of the County's housing is currently manufactured housing. As such, existing affordable housing is available.
- d. The removal of manufacturing homes that have become uninhabitable and are vacated. Adopting a minimum housing code is not recommended at this time due to associated costs for removal. A change to the solid waste ordinance will help in this regard
- e. Driveway construction standards for residential lots. Twenty-foot extension from ROW into the private property was not recommended due to cost.

The planning staff recommended the Planning Board's recommendation of UDO dated 7/28/06 including:

1. Items a-i above, under the heading "Items to be incorporated in the UDO (not in draft)
2. All applications which have not been recommended or approved by the PB, BOA, or SRB prior to the effective date of the UDO are subject to the new UDO regulations.
3. Technical and grammatical corrections prior to adoption by the BOC.

At the Planning Board Public Hearing a background was given on the SAP and the UDO planning process including that the SAP and UDO committees were made up of a cross-section of residents living in the areas who cumulatively worked on the SAPs for approximately 6 years. The public involvement process was also reviewed, explaining how the committees sought public involvement through announcements posted in the area, inviting people to give their insight and inviting them to the open house planning sessions both at the beginning and toward end of the SAP process.

A PowerPoint presentation was given to explain main points of the UDO and address some common questions that were received during our special interest group presentations, public forums, drop-in sessions and telephone inquiries. Based on permits issued in the last 15 years, staff explained that limiting singlewides does not create a large impact in the County. Permits were issued for 392 singlewides in 1991. In 1994 the number of singlewide permits increased to 505. Since then singlewide permits have declined. In 2005 only 76 residents requested permits for singlewides. The number of permits for doublewides has also declined since 1999, with only 53 permits issued in 2005. Since 1996 the majority of permits have been for modular or stick-built homes.

Public comments at the Planning Board meeting included the following comments:

- Manufactured home (MH) switchouts for singlewides or doublewides should be allowed without having a hardship;
- Metal on metal MH should be allowed anywhere (note: appearance criteria was in effect since 1996);
- Concerns were brought up over traffic flow;
- Non-permitted businesses should be allowed to operate more than 2 years in order to form co-ops in which to operate;
- Two acre lots should not be required anywhere;
- Several people asked for clarification on specific UDO items, such as grandfathering of existing lots;
- An ordinance is hard to construct because it is impossible to please everyone since people have different opinions. Limiting manufactured homes is good for the County residents and the UDO is good to keep County a desirable place to live.

The Planning Board reiterated the SAP and UDO process and thousands of man-hours and deliberation that went into the creation of each of those documents. Board members explained that the process included balancing the desires of many people and groups who had different opinions and ideals, especially those opinions related to minimum lot sizes, manufactured home regulations and placement, and the extent to which business operations could be conducted on residential properties. The Board explained that this document reflects what the committees felt was best for the County at this time. Ordinances can change, through the public hearing process, to reflect changing situations, which occur over time. The Planning Board unanimously recommended that the Board of Commissioners adopt the UDO including the staff recommendations as stated above.

Jacky noted there had been some misinformation regarding singlewides and clarified:

Existing singlewides or doublewides can be switched out as a matter of right. There are 5600 singlewides in the County and 4300 doublewides. This makes up about 30% of the housing stock in the County. That means all of those existing mobile homes can be switched out – singlewide to singlewide, singlewide to doublewide and doublewide to doublewide. Appearance standards were put in place back in 1996 – such as shingle roofs, pitched roofs on mobile homes – and obviously the trends are changing and tin roofs or metal roofs are everywhere. The public should have this same option and the restrictions address this change. There are approximately 30 mobile home parks in the county – 27 are non-conforming – meaning they were there prior to the new mobile home regulations which were adopted a few years ago. Since the change in regulations there were three additional parks that are conforming – complying with all regulations that are in place today. Those 27 parks will be required over a five year period to upgrade their entryways and put in addition peripheral screening and landscaping around those facilities. Mobile Home Subdivisions that are built out by 50% or more can be continued to be built out with doublewide mobile homes. Those that are not built out 50% will be built out with modular or stick built homes. For example, if a 100 lot mobile home subdivision currently has 51 mobile homes, it is allowed to build out with doublewides.

Jacky went on to clarify the issue of sidewalks. The proposal is for sidewalks on one side of high density subdivisions of ½ acre lots or higher density or over 25 lots – the reason – because there are more and more people wanting to walk and sidewalks are important for safety issues. Sidewalks, for the same reason, should be required in areas of high concentration of mixed use – a lot of houses, a lot of commercial, a lot of retail. In non-residential, commercial and not in planned development, sidewalks will be required along major thoroughfares, again for safety of the walking public in these high traffic areas.

Jacky discussed the restrictions on cottage industries. He pointed out the approved home occupations needed to be updated and the UDO addresses these needed changes. The proposed changes gives citizens more options on where this business can be conducted as well as the types and choices of cottage industries. He reminded those present that residential property is most likely a citizen's most valuable possession and at some point a line has to be drawn on what uses are compatible in a residential community and going over that line compromises the integrity of residential communities/districts. Jacky went on to explain a policy for those existing cottage industries that were not included in the approved home occupations. It is proposed for code enforcement to allow a two year grace period for those businesses that were in business as of January 1, 2006 to work with staff to try to find alternative solutions for those business.

Jacky then addressed the misinformation that had appeared in the newspaper. The two acre requirement for manufactured homes applies to all housing in specifically zoned areas. It does not apply to just mobile homes. The reference to the elimination of singlewides was incorrect. He said there were 5600 singlewide mobile homes currently in the county – they would all be allowed to switch out – both on individual lots and in mobile home parks. The statement that there could be no new mobile home parks was incorrect. There will be doublewide zones where mobile home parks, as a special district, will be allowed pursuant to the zoning restrictions and the approval of the Planning Board and Board of Commissioners.

Chair Barnes said that since people signed up and didn't designate which hearing after which they wanted to speak, she wanted Jacky to present the zoning maps and then the public would be able to speak. Commissioner Beatty asked that Jacky address the two acre minimum questions and clarify this restriction. He explained if a person currently had a home on less than two acres, that home could be replaced and the two acre minimum would not apply. If it was a vacant lot in an overlay, they can build on it or place a doublewide on it.

Jacky then went on to present the second public hearing on the zoning maps. The Unified Development Ordinance establishes new zoning classifications for all properties in the County's planning jurisdiction. With the abolishment of the old zoning ordinance and its zoning classifications, the Board must adopt a new official zoning map. The new map will replace the old official zoning map in its entirety.

The zoning maps consist of "general" zoning and "overlay" zoning. The general zoning is the base zoning for each property. Every tract of land in the County's zoning jurisdiction will have a new general zoning district. The overlay zoning creates supplemental regulations for affected properties, which are additional regulations for areas such as watershed, floodplain, mixed-use corridor, etc. Some of the overlay zones are existing and some are new based on the recommendations of the small area plans. Locations where new doublewide manufactured homes will be allowed are shown on the overlay map as DWMH (Doublewide Manufactured Home). Approximately 19% of the County is shown in the DWMH overlay zone as compared to approximately 95% of the County currently zoned for singlewide and doublewide manufactured homes. There is no zoning district which allows new singlewide manufactured homes; although, singlewides can continue to be permitted in existing manufactured home parks and as replacements in hardship situations.

In determining how to convert the current zoning classifications into the new zoning districts the recommendations from the seven small area plans were used.

Residential property

Properties that are currently zoned residential will remain residential but the density, or minimum lot size requirement for new lots, is based on the small area plan recommendations. Existing residential lots which are less than the zoning district designation, such as a 20,000 square foot lot in a R-30 district, will be grandfathered in. Zoning permits for these nonconforming lots will be issued provided they can meet the setback requirements which are consistent with the current zoning ordinance setbacks. Approximately 50% of the area of the County is proposed to be zoned R-80, which requires approximately a 2-acre lot size for new lots based on the recommendations of the seven small area plans. The remaining 50% of the County allows for lower density ranging from R-20 (half-acre lots) to R-40 (one-acre lots). Where public water exists and the small area plan recommends higher density, lots can be reduced from R-20 to R-15 (15,000 square foot lots).

The zoning maps include 19% (or 35,367 acres) of the County's jurisdiction designated in a doublewide manufactured home overlay district (DWMH-O) where permits for new doublewide manufactured homes would be issued. The overlay district was defined by using the residential rezoning recommendations of the small area plans and scenic byway/corridor protection areas. Following are statistics on the characteristics of the doublewide manufactured home overlay district:

Vacant parcels in DWMH overlay district (grandfathered lots where new permits for doublewides can be issued):

R-20 zoning = 163 parcels consisting of 1,028 acres

R-30 zoning = 161 parcels consisting of 640 acres

R-40 zoning = 329 parcels consisting of 1,372 acres

R-80 zoning = 897 parcels consisting of 9,535 acres

Size of vacant parcels in DWMH overlay district

One acre or less: 581 parcels consisting of 337 acres

More than one acre but less than 2 acres: 195 parcels consisting of 284 acres

Two acres or more: 774 parcels consisting of 11,954 acres

Total of 1,550 vacant parcels in the DWMH overlay consisting of 12,575 acres

Based on an average of 110 new permits for doublewides over the last 5 years, this would provide a 14-year supply of lots. Taking into account the downward trend with only 36 new permits for doublewides in 2005, this could provide a greater than 40 year supply of lots.

Non-residential property

The existing non-residential zoning (commercial, office-institutional and industrial) was converted to the corresponding new non-residential zoning. Properties that were zoned C-3, which was a nonconforming commercial district, were reviewed on a case-by-case basis. If the C-3 property had an existing commercial building, whether it was actively being used or abandoned, it was zoned to Rural Commercial or Highway Commercial dependent upon their use so the property would not be nonconforming. The C-3 properties that were vacant were zoned to a residential district based on the density in the small area plans.

Flood maps

The County received new preliminary 100-year flood maps as part of the State's cooperative agreement with FEMA to produce an updated flood study for the Catawba River Basin. The new flood maps now include flood elevations for all rivers, streams and the Catawba River lakes based on new development activity which has occurred since the original flood maps were adopted in 1980 and updated topography. The County is required to notify affected property owners and allow public comment on the preliminary maps, similar to a rezoning process. Staff has included notification of the preliminary flood maps with the notice for the UDO rezoning action in order to meet this statutory requirement. The preliminary flood maps are shown as an overlay on the zoning maps but will not be adopted as part of the final zoning maps. The State has a statutory 90-day review period for public comment and appeals/protests which began August 3 and will end on November 3. The State will then reconcile any appeals and issue a final determination letter (FDL). The FDL triggers a 6-month compliance period for the County to adopt the final flood maps and amend its floodplain ordinance to include the new effective date of the maps. It is anticipated that staff will be presenting this action back to the Boards in early 2007 for this action. Individual mailed notices for this action will not be required at this time.

The Planning Board conducted a public hearing on the new official zoning maps and the preliminary flood maps at its August 7, 2006 meeting. Approximately 125 people were in attendance with eleven people speaking at the hearing. Following are the comments presented to the Board:

- concern over the limited area for doublewide manufactured homes in the overlay district and its impact on affordable housing in the County.
- concern about mixing manufactured home zoning with existing stick-built home zoning
- concern about the amount of land for doublewide overlay districts in the high density zoning because it would draw manufactured homes to those limited areas, i.e. Sigmon Dairy Road area
- question how the location of the doublewide overlay zones were determined and was there a density consideration when they were developed
- opposition to 2-acre zoning due to affordable housing issues and loss of value to property owners
- confirmation that existing lots would be grandfathered in
- opposition to the mountain protection district

The Planning Board responded to some concerns by stating that the proposals were based on six years of community planning efforts through the small area plans. Rusty Lutz noted that the UDO includes ways to address affordable housing, such as the cluster subdivision provision. Steve Von Drehle made a motion to recommend the zoning maps to the Board of Commissioners as submitted with the exception of the preliminary flood maps. The motion was seconded by Rusty Lutz and was unanimously approved by a vote of 9-0.

Chair Barnes stated that numerous people had signed up to speak at the public hearing and asked people to try to keep their remarks to approximately 3 minutes. She stated this was the time and place advertised for the public hearing for the UDO text and zoning maps.

Betty Crisp – 1025 4th Ave Dr. NW, Hickory – wants the Board to consider family long term planning – gave the Board a petition with 142 names – opposes the inability to move mobile homes out of mobile homes parks onto individual lots and metal to metal restrictions.

Glenn Fulbright – 3451 East Maiden Rd., Maiden – packet given to each of the commissioners – opposed to restrictions on home-based business and the two year grace period being too short – wants a 10 year plan. Suggests working with the EDC on developing a plan to create businesses.

LaRae Campbell – lives at 1928 Wexford Ct. in Gastonia but owns property in Catawba County - grew up in Catawba County – opposed to 2 acre zoning. Doesn't want anyone to tell her what to do with her land. She also voiced a concern regarding the affect this minimum would have on taxes.

Fred McCray – 6278 Rocky Road, Claremont – lived in Catawba County 63 years – concerned about creeping socialism. Ask that this issue be put on the ballot.

G. W. Rhoney – 3130 Lampert St., Newton – owns land, cut up into 4 - ½ acre lots – had them for 10+ years. Concerned about singlewide mobile homes on these lots – now can't use them. – Kitty clarified that he had singlewides on 3 of the lots. Wants these lots grandfathered.

Bobby Alberts – 120 Parkside Lane, Mooresville – operates 5 manufactured housing dealerships in Catawba County – also President of the NCMHI. Opposed to limitation on singlewide homes. Discriminates against those who live in manufactured homes. Quoted General Statutes – authority to adopt reasonable appearance criteria for manufactured homes.

Clarence Hood – Sigmon Dairy Road, Newton – Appreciates the Commissioners and Planning Board looking to the future of the County. Served on the Startown SAP. – This plan set aside 68% of the area set aside for doublewides – the UDO sets aside approximately 15% - and most of it zoned in the R-20 zoning area. Disproportionate pressure for doublewides in this area. Concern for farmers in the county – their land is their 401K – ordinance will affect their land value. A lot of groups consulted on this ordinance but not the farmers – encourage Board to have a meeting farm groups to discuss the ordinance.

Stamey Nixon – 4322 Buffalo Shoals Rd., Maiden – owned property for 22 years – ½ acre – wants his son to be able to build a house on it. Doesn't want to supply Sherrills Ford with water and sewer. Wants developers to pay for sewer and schools. Wants issue to be put on the ballot.

Rhonda Gibson – 102 Brandywine Drive, Conover – Realtor, landlord and buying and selling trailers and trailer parks for 31 years – concern on metal on metal homes – requiring metal on metal home owners to change housing status if they have to move their home – if a park shuts down. Cities have said if the Board adopts this ordinance, they will follow.

Tracy Warlick – Homebuilders Association – need strong housing market with strong job market. Concern over 2 acre minimum – result in tax value and revenue. School capacity has no place in ordinance – lower density will not solve school capacity issues– need to build more schools for capacity problems that were 40 years in the making. Planning has come up with good solutions but need many more – need more time to work out the issues.

Gina Black – Realtors Association - many members present – believes UDO is three-fold – slow growth; address concerns about school growth; to abide the wishes of the landowners who participated in the SAP process. Only a small % of landowners knew of the changes by UDO. Need efficient use of land – supply and demand. Urged commissioners to read letter sent by the Association.

Terry Taylor – Chamber of Commerce – Member of the Land Use Development Board - Appreciates work of the county staff and manager – active dialog with many meetings – believes more dialog needed – changes have been made to UDO based on Land Use Development Board recommendations. – Chamber believes there is a ways to go - some areas are conditional use zoning districts be allowed with minimum of 2 acres (not five); vested right section there is no reason for extension after five years – no need for re-approval; minor and family subdivisions should stay at existing five lot allowable number; more thought to where the county proposes to put water and sewer extensions; two acre minimum should be reduced to one acre – more consistent with all of the municipalities; flood plain permit development should not expire in 6 months but should be extended to 18 to 24 months; affordable housing density credit of 10% doesn't go far enough – look at 40-50%; five feet sidewalk requirement should be 4 feet; vast majority of retailers are using storage units that are restricted – suggest neutrally painted units; off premises sign separation should be 2000 feet; transfer of development rights should have more thought; and the proposed design manual is not available for public review yet. Believes the UDO is 80% there – urged to not jump with haste.

Anthony Dotson – 8144 Summit Ridge Drive, Catawba – representing 17 neighbors - issue with Long Island Marina – worried about UDO excusing current zoning violations of Long Island Marina.

Susan Johnson – 8136 Summit Ridge Drive, Catawba – UDO address violations that they have been fighting for a year for Long Island Marine same as above.

Don Sherrills – 4358 Buffalo Shoals Road, Maiden – opposed to 2 acre minimum – eastern and western sections of Catawba County are being discriminated against – interferes with his long range plans for his children. Disliked wording on flyer – foregone conclusion. Took him almost 5 months to get simple plot of land through the planning department – his opinion that everyone should be terminated in that department – he had been humiliated and disgusted trying to deal with government.

Jeff Lominac – 104 1st St Place SE, Conover – young people just starting out can't afford more than a singlewide mobile home. Losing freedom. May be losing freedom and land but not losing freedom to vote.

Udean Burke – 4643 Hwy 16 S., Christian Tours – treat businesses better – not like when he came to the County – given a tough time by Planning Board – have 130 employees, 20 million in business. Show business grace and mercy – ask them if they need to be rezoned. One acre minimum should be enough.

Robert Laney – 4499 Laney Road – Maiden – opposed to singlewide restrictions – discriminates against families starting out – and doesn't allow for future home ownership – shouldn't have to live just in a mobile home park.

William Laney – 4478 Laney Road – Maiden – family land – opposed to singlewide restrictions but especially opposed to 2 acre minimum – cannot subdivide his land with enough land to give to his three grandsons.

Steven Bean – 3740 11th St NE, Hickory – representing his company – Trailer Sales and Services – affordable mobile storage – provide secure mobile storage – page 294 – art. 6 – restraining use of storage containers – would hinder his business but other businesses that use this type of storage. Appearance is paid attention to – not eye sores. Gave commissioners pictures of containers.

Dean Proctor – 605 2nd Ave NW, Hickory – family and he own approx. 70 acres in Plateau/Vale area – concerned with 2 acre minimum – goes too far – severely restricts person's right to develop property – need to promote affordable housing for workers in county.

Clifford Baker – Guy Baker Road, Newton – speaking in behalf of singlewide mobile homes – affordable housing needed. Problem with "new" singlewide replacing old – should read replace with a singlewide which meets appearance criteria.

W.R. Lutz – 2437 Settlemyre Bridge Road – wanted to address the farming industry – which is on its deathbed – can't afford to develop that farmland with the 2 acre minimum.

Walter Eli – 1770 Bush Drive, Conover – runs Stonehaven Mobile Home Park – can't comply with buffer around park – already has trees – why just picking on mobile home parks when not making same requirements for duplexes and apartment complexes.

Herman Caulder – 5707 Skyway Drive, Conover – how the ordinance could affect small businesses in Catawba County – the list of cottage businesses should be expanded – example – auto body shop – consider conditional zoning for existing business.

Calvin Propst – 3987 Section House Road, Lot 11 – lives in singlewide mobile home – wants to be able to move it wherever he wants to – earned the right to move his mobile home if he buys some land.

Denise Mullins – 1826 31st St NE, Hickory – representing Woodland Mobile Home Park – in 1973 her dad – Ken Huffman – started the park with Eddie Huffman. Offered affordable housing – 126 space – 106 metal on metal homes – can be switch out – most can't afford to switch out. They should be grandfathered.

Robert Eades - discussed special purpose regulations. Beneficial landfills – accept a site plan vs. the expense of the survey.

Dennis Hefner – 5861 Heavner Road, Vale – started out in a mobile home – help people get started – let people vote on this and 2 acre minimums – UPS man delivered to a lot of mobile homes – doesn't like 70 people deciding what everyone should have – meetings weren't when working man could come. Felt sidewalks were trend following instead of trendsetter.

Geraldine Hudspeth – 7231 White Pine Drive, Hickory - has 3 metal on metal mobile homes – if one burns, can't be replaced – wants to be able to put a mobile home on a lot for her granddaughter. Also owns 5 mobile homes in Brookford – all metal on metal.

Harry Moore – 4606 Hickory Lincoln Hwy, Newton – owns property in Sherrills Ford – started out in a mobile home – understands need for zoning – should grandfather metal on metal homes. This ordinance should be voted on. Don't need to bring in water to Sherrills Ford – there is plenty of water there – spend taxpayers money on water that isn't needed. Schools should have been built years ago and are being built in the wrong places.

Ira Cline – Lee Cline Road, Conover – President of Farm Bureau – the Farm Bureau doesn't have an official statement yet – concerns over 2 acre minimum and affordable housing. 2 acre minimum will make land disappear faster. Disappointed farm community was left out. Want signage for farmers produce. More positive things to say about ordinance than negatives. Looks forward to meeting with planning on this ordinance.

Ryan Mayberry – Taylorsville – owns and developing land in Catawba County – is a builder – two acre minimums would make lots in small subdivisions far too expensive – up to \$100,000 per lot where \$150,000 homes are planned – its eliminating affordable housing – will push development into neighboring counties.

Thomas Sigmon – has several private mobile homes – only income he has is from his mobile home lots – he has no homes on two of his one acre lots – and if he can't put mobile homes on those lots this will cut his income and that property becomes a liability.

Rachael Gaither – Startown area – owns land – impressed with the passion of the citizens – noted this was a proposed ordinance and the county had done its job – looked at the big picture and how the county will be affected with heavy development.

Chair Barnes closed the public hearing and discussed what the Board had heard with the other Board members. She proposed a work session on Monday following the subcommittees to address some of the issues that were raised. All the commissioners agreed and stated they appreciated the public's input and how they conducted themselves during the public hearing. The Board members acknowledged more work was needed – they were close but needed more time to resolve some of the issues. It was stated that this ordinance was not ready to be voted on and this meeting had been for the purpose to listen and learn. It was agreed the Board would receive the minutes of this meeting with their subcommittee packet which would be mailed out on Wednesday. It was stated that multiple work sessions would be required to work through the issues raised and a meeting with the Cattlemen's Association was necessary. Chair Barnes stated the next public meeting would be September 5, 2006 at 9:30 and although it was not advertised as a public hearing, there would be a public comment period for items not on the agenda and people could speak then about the UDO. There is an advertised public hearing for the UDO on September 18, 2006 at 7:00.

10. Appointments:

Chair Barnes recommended the appointment of Wesley Barkley to replace Oliver Noble in the Criminal Defense Attorney category for a first term on Criminal Partnership Advisory Board ending June 30, 2009. Vice-Chair Hunsucker recommended the reappointment of Tony Wolfe for a second term on the Industrial Facilities & Pollution Control Board retroactive to April 1, 2006 and ending March 31, 2012. Commissioner Lynn Lail recommended the appointment of Debbie Kaylor Jones to replace Mary Larson on the Nursing and Rest Home Community Advisory Committee for a first term expiring in one year and the reappointment of Joseph Beaman, Jr. for a fifth term, Scott Millar for a fourth term and Joe Tripp for a fourth term on the Region E Development Corporation with terms expiring on September 30, 2009. These recommendations came in the form of a motion. The motion carried unanimously.

11. Consent Agenda:

J. Thomas Lundy, County Manager, presented the following seven items on the consent agenda:

a. Request from Hickory City Schools for capital funds appropriation and transfer to complete the renovation of the American Legion building. Bids have been received for the final phase of the renovations. The amount needed to complete the project is \$2,583,033. This exceeds the revenue available from County appropriations, \$1,150,000, private donations received and pledged, \$498,470, and funding from the City of Hickory, \$200,000, leaving a balance of \$734,563 needed for the project. This transfer of funds is made with the understanding that Hickory Public Schools capital outlay allocation for FY 2007/08 will be reduced to repay this advance, leaving enough funds to cover \$250,000 for the Jenkins HVAC project and approximately \$250,000 in annual per capita funding for small projects and technology.

Supplemental Transfer:

From:	423-750100-865200-32111-1-01	Grandview Middle	\$125,000
	420-750100-865200-32105-3-06	HVAC Jenkins	100,000

To: 420-750100-865200-32104-3-09 American Legion 225,000

Supplemental Appropriation

Increase:
Revenue 420-750050-690100 Schools Cap. Fund Bal. 509,563

Expense 420-750100-865200-321-4-3-09 American Legion 509,563

- b. Request by Public Health to establish Human Papilloma Virus (HPV) Vaccine Fee - the fee is the actual cost of the vaccine with a small administrative fee – amount would be \$138.00 (per injection – three needed).
- c. Request by Public Health to establish Diphtheria, Pertussis and Tetanus (TdaP) Vaccine Fee - \$49.00
- d. Request for county to offer Retirement Health Savings Plan through ICMA-RC- approved by IRS – option for employees to defer part of their income tax free to be banked for expenses they have after retirement – per the following resolution. The Board was asked to approve it but there are some IRS questions so it would not be rolled out until those questions are resolved.

RESOLUTION 2006-

ADOPTION OF THE VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PROGRAM

Plan Number: 01470

Name of Employer: Catawba County State: North Carolina

Resolution of the above-named Employer (the “Employer”):

WHEREAS, the Employer has employees rendering valuable services; and

WHEREAS, the establishment of a retiree health savings plan for such employees serves the interests of the Employer by enabling it to provide reasonable security regarding such employees’ health needs during retirement, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the Employer has determined that the establishment of the retiree health savings plan (the “Plan”) serves the above objectives.

NOW, THEREFORE BE IT RESOLVED, that the Employer hereby adopts the Plan in the form of the ICMA Retirement Corporation’s VantageCare Retirement Health Savings program.

BE IT FURTHER RESOLVED that the assets of the Plan shall be held in trust, with the Employer serving as trustee, for the exclusive benefit of Plan participants and their beneficiaries, and the assets of the Plan shall not be diverted to any other purpose prior to the satisfaction of all liabilities of the Plan. The Employer has executed the Declaration of Trust of the Catawba County Integral Part Trust in the form of the model trust made available by the ICMA Retirement Corporation.

BE IT FURTHER RESOLVED that the Personnel Director shall be the coordinator and contact for the Plan and shall receive necessary reports, notices, etc.

This the 21st day of August, 2006.

Katherine W. Barnes, Chair
Catawba County Board of Commissioners

I, Barbara Morris, Clerk of Catawba County, do hereby certify that the foregoing resolution, proposed by Finance and Personnel Subcommittee, was duly passed and adopted by the Catawba County Board of Commissioners at a regular meeting thereof assembled this 21st day of August, 2006, by the following vote:

Ayes:

Nayes:

Absent:

(Seal)

Barbara E. Morris
Clerk of Catawba County

e. Minor revisions to the County Code in terms of the driving policy – as follows:

ARTICLE X. OPERATIONS STANDARDS FOR DRIVERS OF VEHICLES USED FOR COUNTY BUSINESS

Sec. 28-331. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

County drug testing policy. The policy of the county is to maintain a workplace free of substance abuse and to work toward a drug-free community. The county will comply with the requirements of the Federal Drug-Free Workplace Act of 1988, and any amendments or subsequent legislation affecting operations of vehicles, since sufficient evidence has concluded that the use of controlled substances and other forms of drug abuse will seriously impair an employee's physical and mental health and, thus, job performance. This policy shall not conflict with the existing law enforcement policy as it applies to employees of the sheriff's department.

Defensive driving course means a course approved by the risk manager to teach drivers, as defined in this article, defensive driving skills.

Driver means as follows:

(1) *Designated driver/employee* means an employee that has received the expressed approval of the department head or designee to carry out official business of the county in a county-owned or privately owned vehicle used for conducting County business. See section 28-332.

(2) *Designated volunteer* means a volunteer who has received the express approval of the department head to carry out official business of the county in a county vehicle or a privately owned vehicle.

~~(3) *High mileage drivers* means employees using privately owned vehicles for county business and exceeding 2,499 miles in a six-month period and who qualify for high mileage reimbursement. See section 28-332.~~

Risk manager means the county employee responsible for identifying and analyzing risks that would cause major financial loss to the county and/or any potential injury to an employee or citizen, and implementing and monitoring policies and procedures to reduce these risks.

(Code 1995, § 275.01)

Cross references: Definitions generally, § 1-2.

Sec. 28-332. Responsibilities of risk manager.

(a) The frequency of accidents and the damage to county and private property calls for careful attention to developing preventive driving measures. The risk manager shall implement and carry out the measures in subsection (b) of this section to address satisfactory driving standards and determine the preventability of all accidents that occur in the operation of vehicles, as defined in this article.

(b) The risk manager shall:

(1) Carry out the official actions of this article.

(2) Increase the awareness level of appropriate vehicular safety by:

a. Developing appropriate defensive driving courses for drivers, volunteers or other designated personnel;

- b. Developing guidelines for authorized use of privately owned vehicles authorized for county business and functions;
- c. Providing periodic reports, articles, and programs for enhanced vehicular safety; and
- d. Enhancing awareness of proper vehicular maintenance and ensuring the establishment of a regularly scheduled maintenance program.

(3) Determine accident trends in terms of number, type, and frequency, patterns of recurrence and vulnerability and implement appropriate corrective action.

(4) Review vehicle accidents incurred by drivers where property damage, personal injury, or death occurs; determine the preventability and severity of the infraction; and recommend the necessary corrective action.

(Code 1995, § 275.02)

Sec. 28-333. Authorization.

~~(a) This ordinance applies to all county vehicles and heavy equipment/machinery. The following types of vehicles are identified for the purposes of complying with the county policy under this article:~~

~~(1) Ambulances.~~

~~(2) Patrol vehicles.~~

~~(3) Vehicles assigned to the tax office.~~

~~(4) Trucks (pickup, utility).~~

~~(5) Vans.~~

~~(6) Privately owned vehicles:~~

~~a. Used to transport clients as a regular function of job duties.~~

~~b. Operated by employees receiving high mileage reimbursement.~~

~~(b) Excluded county owned vehicles are heavy equipment/machinery.~~

~~(b) (e)~~ Only county employees may operate county-owned vehicles with the exception of approved contract maintenance personnel, reserve deputy sheriffs, and designated volunteers.

~~(c) (d)~~ Drivers shall not operate a county-owned vehicle except upon the express direction and authorization of the department head, or designee, who supervises regular work activities.

~~(d) (e)~~ A county vehicle may only be used for official county business. Reports of private use of a county vehicle will be received and investigated by the department head, or designee, and appropriate action will be taken.

~~(e) (f)~~ The risk manager shall periodically review driving records of current employees to ensure the employee meets County guidelines for drivers as outlined in the following subsection.

~~(f)~~ Finalists for all positions which require driving shall agree to a department of motor vehicles (DMV) driving record master check as a condition of employment. Such driving checks shall be the responsibility of the personnel director. The personnel director shall be responsible for determining the relevance of the information obtained to the position for which the applicant has applied. Finalists for positions which require driving as described in this article will not be recommended for hire by the personnel director if a driving record from the department of motor vehicles indicates the applicant has received more than four points within the last three years.

~~(g)~~ In the employee orientation session conducted by the personnel department, employees subject to this article shall be informed of this article and of their obligation to function according to its provisions by the risk manager. Designated volunteers will be made aware of their responsibilities under this article by the respective department head or designee.

(h) It shall be the policy of the county to assign vehicles to a particular department for the general conduct of its business. This is not meant to restrict the use solely to that department. Vehicles, other than emergency response vehicles, at any time may be subject to use outside of the regular department functions.

(Code 1995, § 275.03)

Sec. 28-334. Maintenance.

(a) Maintenance standards applying to a driver operating a county-owned vehicle are as follows:

(1) Preventive maintenance and service of county-owned vehicles shall be the function of the county garage. Scheduling required maintenance is the responsibility of each department, or when a vehicle is assigned to an employee, the employee is responsible.

(2) A notice of regularly scheduled preventive maintenance will be provided to the department head or designee for each county vehicle in the form of a vehicle sticker. Each operator of a County owned vehicle is also responsible for the North Carolina emissions inspection/safety inspection. All vehicles more than three (3) months past the inspection date may incur the State of North Carolina fine, which will be the responsibility of the department.

(3) The garage manager shall possess the authority to confiscate any vehicle that has not received the regularly scheduled maintenance check or if he deems the vehicle not roadworthy. ~~Until such time, corrective action shall be taken.~~ The garage manager will coordinate and maintain temporary alternate vehicles.

(4) ~~At least annually,~~ Upon request, ~~the garage manager~~ facilities/ fleet supervisor manager shall provide to the department head or designee and/or the risk manager an analysis of vehicle operation costs.

(5) Each driver shall be responsible for ensuring that his vehicle is in good working condition at all times. A driver is responsible for reporting in writing, immediately, all defects to his department head or division manager and the garage manager, facilities/fleet manager or appropriate fleet maintenance personnel.

(b) Drivers operating privately owned vehicles under this article shall be responsible for the proper maintenance and safety of their vehicles, and maintaining insurance as required by State law.

(Code 1995, § 275.04)

Sec. 28-335. Accident prevention.

(a) It shall be the responsibility of all employees, volunteers and any other person driving in the scope of employment or on behalf of the county ~~drivers of county vehicles~~ to drive defensively to prevent accidents in spite of the incorrect actions of others and regardless of adverse conditions, and to comply with all driving rules and regulations. The risk manager will develop measures to improve driving safety, which includes the defensive driving course. Such courses, designed both for regular driving and for those driving emergency response vehicles, will be scheduled on a regular basis by the risk manager, and drivers shall be required to take the course as set forth in this article.

(b) An employee assigned a county-owned vehicle as a regular function of the employee's position with the county shall be required to complete the applicable defensive driving course within six months of being assigned to a designated driving position. Employees of the sheriff's department will be allowed to substitute basic law enforcement training (BLET) and/or the state's 40-hour driving school for the county's defensive driving course. However, if an employee of the sheriff's department is involved in an avoidable accident, the employee must complete the county's next available defensive driving course or a special training application, which addresses specific driving needs as set forth by the risk manager.

(c) Designated volunteers responsible for driving a county-owned vehicle or driving a privately owned vehicle for county business must:

- (1) Possess a valid driver's license issued by this state;
 - (2) Agree to a driving record master check from the department of motor vehicles; and
 - (3) Complete the next available applicable defensive driving course.
- (d) Other employees are subject to the following:

(1) Employees, subject to this article, who have the responsibility of transporting clients in their privately owned vehicles shall be required to complete the defensive driving course within six months ~~one year~~ of hire or reassignment.

~~(2) All personnel driving privately owned vehicles who receive high mileage reimbursement are required to complete the defensive driving course within one year.~~

~~(2) (3)~~ Any employee who may have occasion to operate a county vehicle must take the course.

(e) The department head, or division manager, in consultation with the personnel director, may require pre-employment and/or periodic physical or vision examinations to determine an employee's fitness to perform the essential functions of the job. The department head, in consultation with the risk manager, may also require these examinations for designated volunteers.

(f) All drivers shall be instructed on precautionary procedures to take should an accident occur and should obtain the following:

- (1) The name of other drivers, passengers and/or pedestrians involved;
- (2) The insurance carrier, agent, and policy number of any other driver, if possible;
- (3) The names and statements of witnesses; and
- (4) The investigating officer's report.

(g) Employees subject to Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) regulations are required to attend training, as addressed in the county drug testing policy.

(h) Basic safety equipment and supplies for vehicles will be established by the risk manager (e.g., fire extinguisher, flares, signs, bloodborne pathogens kits, and the like). It will be the employee's responsibility to ensure vehicles are appropriately supplied.

(i) Employees' driving records will be updated by the risk manager every at least once every three years from the original date of training, or employment/assignment. If an employee has not been in an at-fault accident or has not had any points added to his driving record, the driver will be exempt from taking the defensive driving course for another three years. No employee shall exceed more than six years without taking the defensive driving course.

(j) Department heads or division managers requiring additional driving instruction outside the scope of this article must have the instruction approved by the risk manager.

(k) Safe driver award incentive programs will be administered within the respective driver's department.

(Code 1995, § 275.05)

Sec. 28-336. Accident reporting and review.

(a) *Reporting.* When any driver, as defined in this article, is involved in an accident, he shall:

- (1) Immediately notify proper law enforcement officials;
- (2) Immediately notify the department head or division manager;
- (3) Immediately notify the ~~garage manager~~; facilities/fleet manager;
- (4) Notify the risk manager within one working day of the accident.

Safety sensitive employees, as defined by the Federal Transit Administration, and commercial driver's license (CDL) drivers subject to the Federal Highway Administration are required to follow the county drug testing policy requirements for post-accident testing.

(b) *Accident review.* Accidents shall be reviewed as follows:

- (1) The risk manager shall review each accident where property damage, personal injury, or death occurs and determine the preventability and severity of the infraction and determine the necessary corrective action. The risk manager shall provide a written report within 30 days to the department head or division manager.
- (2) The review and consideration of a case by the risk manager will include the following elements:

- a. The past driving record of the driver.
 - b. The report of the investigating officer.
 - c. The driver's report pursuant to County policy.
 - d. Oral presentation by the driver, if needed or requested.
 - e. Supporting materials or the testimony of witnesses, if warranted.
 - f. The department head's or the designated representative's report of the accident pursuant to County policy.
- (c) *Supporting material or witnesses.* A driver may petition to present supporting material or witnesses to the risk manager to assist in the interpretation of the accident.
- (d) *Suspension of driving duties.* Drivers subject to this article may be suspended by the department head or designee, or risk manager from driving duties, pending an investigation of each incident/accident.
- (e) *Penalty.* Upon finding that a driver, who is an employee, is involved in a preventable accident, the risk manager shall discuss the findings with the personnel director. The personnel director shall recommend to the department head or designee the appropriate disciplinary action based on section 28-162 ~~447~~. If a designated volunteer is involved in a preventable accident, the risk ~~manger~~ manager shall make recommendations for appropriate action to the department head or division manager.
- (f) *Appeal.* An appeal ~~can~~ may be made by a driver/employee as set forth in section 28-170 ~~423~~ pertaining to the grievance procedure.
- (g) *Drug testing.* Certain county drivers are subject to the requirements of the county drug testing policy. Nothing in this policy shall alter any employee's responsibilities under the county drug testing policy.

(Code 1995, § 275.06)

Secs. 28-337--28-365. Reserved.

- f. Request for waiver of permit fees for the 2006 Greater Hickory Classic. This has been done every year and the estimate value is \$5000.00 – the Classic brings approximately \$15 million to the local economy.
- g. Two Tax refund requests for Jennifer and Tam Bui and Glenn Bohon for a total of \$931.34. These refunds were verified by the Tax Collector.

Chair Barnes asked if there were any items that any Commissioner would like broken out of the consent agenda. There were no requests to break out an item. Vice-Chair Hunsucker made a motion to approve the consent agenda. The motion carried unanimously.

12. Departmental Reports:

Utilities and Engineering:

Barry Edwards, Utilities and Engineering Director came forward to present a request to approve wastewater treatment services contracts and recommended the following:

- A. Approval of amendments to existing contracts with the City of Hickory to purchase 750,000 gallons per day (gpd) sewer capacity in the Catawba plant, along with 100,000 gpd in the Henry Fork plant, through the year 2043. The capacity, and corresponding County waste collection lines and pump stations, will allow sewer service initially for the Key Harbor and Village Center properties, as well as Sherrills Ford Elementary School. Additional development will be served in the future as lines are able to be extended, and if capacity is available.

The Hickory contract continues the County's working relationship and partnership with Hickory. As is the case currently with water, Hickory will service and maintain the County's collection system. The Hickory contract is similar to the contract executed in 2003, where the County purchased water capacity.

The initial step in the contract calls for the joint selection of an engineer to design expansion of the Catawba plant, after which Hickory and the County will jointly decide to move forward. The contract also anticipates the joint expansion of the Catawba plant when the initial capacity is committed.

B. Approval of a forty-year contract with the Town of Mooresville for 750,000 gpd of sewer capacity. Capacity would be purchased in the future when needed and after action by the then Board of Commissioners to authorize design of a collection system and the award of bids for the system.

Wastewater service to the southeastern area of Catawba County has been analyzed at many different times over the past twenty (20) years by Catawba County. There have been two critical decision points for constructing a sewer system in the area--a means of wastewater treatment, and the development/customer base needed to fund and support infrastructure. Until now, there has not been an opportunity that has met the two factors mentioned above.

Crescent Resources and MAGLand have proposed several significant developments in Southeastern Catawba County:

- Key Harbor Subdivision, which would include approximately 1,500 residential units, most being single family with a small percentage as attached single family, located between Island Point Road and Molly's Backbone Road.
- A village center, located near the intersection of NC 150 and Slanting Bridge Road, which would include commercial, retail, office, institutional and residential uses.

These proposed developments now provide Catawba County the opportunity to construct an initial wastewater system that will not only serve these two Crescent properties but will provide the means of expanding to address future wastewater needs in the area.

The quality, quantity, and pace of the proposed development is sufficient to bear the cost of both the wastewater collection system infrastructure and the wastewater treatment infrastructure and capacity purchase based upon sound engineering estimates and this contract amendment between Catawba County and the City of Hickory.

The proposed Hickory contract amendments continue the County's working relationship and partnership with the City. As is the case currently with water, Hickory will service and maintain the County's collection system.

The initial step in the contract amendments calls for the joint selection of an engineer to design the expansion of the Catawba plant, after which Hickory and the County will jointly decide to move forward. The contract amendments also anticipate the joint expansion of the Catawba plant when the initial capacity is committed. The joint expansion of the Catawba plant will be necessary for the creation of the County's 750,000 gpd of treatment needs so, in effect, the County is building its capacity.

The key points of the first amendment to the AGREEMENT FOR SALE OF WASTEWATER PLANT CAPACITY AND TREATMENT SERVICES are as follows:

- Section 3.3 The contract amendment gives the County guaranteed ownership rights to the capacity purchased by the County in the Hickory-Catawba WWTP and also in the Henry Fork WWTP. Hickory will at all times be the owner and operator of the WWTPs.
- Section 4.1 Either Hickory or the County can propose and/or request extensions and/or additions to either the County or the Hickory collection systems.
- Section 4.1.1 Any extension/addition will be paid for by the requesting party regardless of which system is being extended or added to.
- Section 4.1.2 If the City or the County propose an extension, addition, or connection to the other's collection system, the system owner of the collection system has 30-days to decide to participate in the extension, addition, or connection. Regardless of participation, the extension, addition, or connection will become a part of the owner's system and the resulting customers will be charged the same rates and treated

as comparable customers to the rest of the system.

- Section 4.5 Before 11-1-2006, the County and the City will jointly select an engineering firm for the expansion/upgrade of the Hickory-Catawba WWTP.
- Section 4.6 The County will pay its share of the cost of the design for the expansion/upgrade of the Hickory-Catawba WWTP for the County's 750,000 gallons per day of capacity, not to exceed \$320,000. The City will invoice the County based upon invoices from the design engineer. The County and City will also share in the cost of construction quality assurance inspections, which will be determined after the design is complete.
- Section 4.6.1 When the design and permitting of the expansion/upgrade is completed, the County and the City must mutually agree to proceed with construction prior to soliciting bids for construction.
- Section 4.7 After the expansion/upgrade is completed, the County will have the capacity rights to 750,000 gpd in the Hickory-Catawba plant and the County's original 100,000 gpd of capacity rights will be transferred to Hickory's Henry Fork WWTP.
- Section 4.8 The County will pay for 100% of the cost of for 750,000 gallons per day of capacity in the expansion/upgrade. The County's payments will be paid in monthly installments upon the beginning of construction and will be based on actual invoicing by the contractor.
- Section 4.8.1 The County agrees to reimburse the City the difference between revenues collected and retained and the cost incurred by the City associated with the operations of the County's portion of the expanded plant. This reimbursement will continue until the flow at the plant generates sufficient revenue to cover these costs, which is estimated to occur when the flow reaches 350,000 gpd. The first three years of this cost will be held in abeyance with invoicing from the City beginning in the fourth year. The cost accrued in years one through three will be spread equally over years four, five, and six.
- Section 4.9 As additional consideration for this agreement, the County agrees to participate in the funding of a future wastewater project of Hickory's choice. The County's participation will be in an amount at least ten percent of the total construction cost for the expansion/upgrade of the Hickory-Catawba plant. The future project is required to be in the unincorporated area of the County.
- Section 5.5 All customers located in the area served by the County Collection System will be charged the same rates and treated for all purposes as comparable customers located outside the corporate limits of Hickory. The rates charged to customers on the County Collection System will be double the rate charged to Hickory customers located within the corporate limits of the City.
- Section 5.7 Either the City or the County may expand the other's collection system as long as the expansion does not exceed the capacity of the party seeking the expansion. Neither the City nor the County will charge the other for wastewater passing through their respective collection systems.
- Section 6.2 The County has the right to sell or provide wastewater treatment services to any entity, but the County cannot assign, sell, transfer, convey or grant its wastewater treatment capacity to any other municipality, county government, or sanitary district without the permission of Hickory.
- Section 6.9 The County will remain the owner of its collection system and the City will remain the owner of its collection system and the Hickory-Catawba Wastewater Treatment Plant. The County will at no time have any obligation or authority as the Operator of the Hickory Collection System or the Hickory-Catawba Wastewater Treatment Plant.

The key points of the third amendment to the AGREEMENT FOR OPERATION, MAINTENANCE AND MANAGEMENT OF WATER DISTRIBUTION SYSTEM are as follows:

- Section II - K. The County and the City agree to take the necessary action to transfer the state identification numbers of the County Collection System to the City of Hickory.

- Section II - L. The County is solely responsible for the design and installation of its collection system.
- Section III - A. During the term of this agreement, the County agrees not to contract with another water provider to provide water within the service area nor contract with another water or wastewater operator to provide operations, maintenance, or management duties within the services area and the annexation or incorporation of any portion of the service area will not result in the change of ownership of any portion of the system without the consent of both the County and the City.
- Section III – D.3. All customers located within the service area will be charged the same rates and treated as comparable customers located outside the corporate limits of the City of Hickory. Unless otherwise agreed to by the County and the City, the rates charged to customers located within the service area will not be more than double the rates charged to customers located within the corporate limits of the City of Hickory for similar services unless agreed to by both the City and the County. Revenue from sewer availability and sewer customer charges for all customers located within the area served by the System will be divided equally between the City and the County until such time as the customer base reaches 675 customers. At that time, Hickory will fully retain all sewer availability and sewer customer charges associated with the System. Revenues generated by the System from sewer volume charges to customers on lines that connect to a Hickory Wastewater Treatment facility will be divided equally between the City and the County. Revenues generated by the System from sewer volume charges to customers on lines that do not connect to a Hickory Wastewater Treatment facility will be remitted to the County. The City and the County agree to equally divide, during the term of the initial construction debt for the Hickory-Catawba Wastewater Treatment Plant, revenues from Hickory's Sewer Capacity Charge for customers within the service area. The initial debt may be refinanced at any time during the original term of the financing with the written agreement of both parties.
- Section IV G. The County agrees to reimburse the City the difference between revenues collected and the costs incurred by the City associated with the operation of the County Collection System until the customer base produces sufficient revenue to cover the cost. It is estimated that sufficient revenue will be generated when the customer count reaches 675 customers.

The estimated cost of the County Collection System to the Hickory-Catawba Wastewater Treatment Plant is \$14,663,305 and the estimated cost for the 750,000 gpd expansion of the Hickory-Catawba Wastewater Treatment Plant is \$3,750,000.

The Town of Mooresville has offered 750,000 gpd of existing wastewater treatment capacity for future wastewater treatment needs. This offer does not obligate Catawba County to any expense until the flow of wastewater to the Town begins. The key points of the AGREEMENT FOR SALE OF WASTEWATER TREATMENT AND DISPOSAL SERVICES are as follows:

- The agreement is for 750,000 gallons per day of wastewater treatment and disposal services measured as a monthly average.
- Catawba County will make payment to Mooresville in three increments; the first increment of \$400,000 is due at the time wastewater begins to flow from Catawba County to Mooresville, the second increment of \$400,000 is due when the 90-day average wastewater flow is 250,000 gallons per day, and the third increment of \$600,000 is due when the 90-day average wastewater flow is 500,000 gallons per day.

At the completion of this presentation, Chair Barnes noted that Martin Pannell wished to speak on this agenda item and invited him to the podium. Mr. Pannell stated his opposition to Catawba County entering into both subject contracts. He said that entering into the contracts would undermine saving the County's schools. Mr. Pannell went on to list 9 reasons why he believed this to be the case:

1. Devastatingly quick growth in Sherrills Ford;
2. Money that would be spent in Sherrills Ford on the sewer should be spent where there is existing infrastructure;
3. There will be a ripple effect of sewer in Sherrills Ford – it would result in political pressure to put sewer in other locations;
4. Residential construction does not pay its way;
5. Septic tanks work well in Sherrills Ford;

6. People who move into the Sherrills Ford area because there is sewer available will not shop in Sherrills Ford, thus not increasing sales tax revenues
7. School population will explode;
8. The City of Hickory will be handicapped in performing its natural leadership role because the growth in Sherrills Ford will undercut Hickory's ability to lead;
9. Catawba County does not owe Duke Energy millions of dollars invested in a sewer system in Sherrills Ford so Duke Energy can make millions of dollars in profit.

Mr. Pannell then urged the Board to vote against the contracts. Chair Barnes said that as a school board member for twelve years, she watched the situation in Sherrills Ford and if there was ever a school that needed sewer, its Sherrills Ford Elementary. The County is making an attempt to get sewer at another school that has similar issues at Balls Creek. She went on to say there were many reasons for the Board to consider a sewer system in the rural areas of the County. Commissioner Beatty then asked if there were any more comments from the audience. Mr. Bill Graves from Terrell came forward and said if having the sewer line would help the Board control the growth in that area and direct it as the Board saw fit it was a good thing and supported the Board voting for the sewer contracts. Mr. Rod Dowell from Terrell also came forward and said he was a realtor in the area and he believed the land was going to develop one way or another and he said the sewer system is a good thing for the area.

Chair Barnes asked for a motion to adopt the amendments to Hickory City contracts and approve the contract with Mooresville, which is a backup. County Manager Lundy asked that the motion include authorization for the Chair to sign the contracts. Commissioner Beatty clarified that none of this was going to happen in the near future. Vice-Chair Hunsucker made a motion to adopt amendments to the Hickory City contracts and approve the contract with Mooresville and authorize the Chair to sign the contracts. The motion carried unanimously.

14. Other Items of Business. None
15. Attorneys' Report. None.
16. Manager's Report. None.
17. Adjournment. Chair Barnes adjourned the meeting at 11:20 p.m.

Katherine W. Barnes, Chair
Board of Commissioners

Barbara E. Morris, County Clerk